

Co-opted Members

Date: 18 June 2024

Report of: Head of Democratic Services

Report to: Scrutiny Board (Adults, Health and Active Lifestyles)

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

- The Council's Constitution includes provision for the appointment of co-opted members to individual Scrutiny Boards.
- For those Scrutiny Boards where co-opted members have previously been appointed, such arrangements have usually been reviewed on an annual basis at the beginning of a new municipal year.
- This report provides guidance to the Scrutiny Board about the appointment of co-opted members. In addition to general provisions applicable to all Boards, there are also several specific legislative arrangements for certain co-opted members. Such cases are set out in the Council's Constitution and are also summarised within this report.

Recommendations

- a) In line with the options available and information outlined in this report, Members are asked to consider the appointment of co-opted members to the Scrutiny Board.

What is this report about?

- 1 In most cases the appointment of co-opted members is optional and is determined by the relevant Scrutiny Board.
- 2 The Scrutiny Board Procedure Rules within the Council's Constitution outline the options available to Scrutiny Boards in relation to appointing co-opted members.
- 3 In general terms, Scrutiny Boards can appoint:
 - a) Up to five non-voting co-opted members for a term of office that does not go beyond the next Annual Meeting of Council; and/or,
 - b) Up to two non-voting co-opted members for a term of office that relates to the duration of a particular and specific scrutiny inquiry.
- 4 To assist the Scrutiny Board, this report sets out issues to consider when seeking to appoint a co-opted member.
- 5 As well as general provisions for co-opted members, applicable to all Boards, Article 6 of the Council's Constitution reflects the specific legislative arrangements that relate to Education representatives co-opted onto the Children and Families Scrutiny Board.

What impact will this proposal have?

- 6 It is widely recognised that in some circumstances, co-opted members can significantly add value to the work of Scrutiny Boards and, where appropriate, facilitate co-operation between Scrutiny Boards.
- 7 The Scrutiny Board Procedure Rules make it clear that co-option would normally only be appropriate where the co-opted member has specialist skill or knowledge, which would be of assistance to the Scrutiny Board.
- 8 In considering the appointment of co-opted members, Scrutiny Boards should be satisfied that a co-opted member can use their specialist skill or knowledge to add value to the work of the Scrutiny Board. However, co-opted members should not be viewed as a replacement for professional advice from officers.
- 9 Co-opted members should be considered as representatives of a particular group of stakeholders. However, when seeking external input into the Scrutiny Board's work, consideration should always be given to other alternative approaches, such as the role of expert witnesses or use of external research studies, to help achieve a balanced evidence base.
- 10 When considering the appointment of a co-opted member for a term of office, Scrutiny Boards should be mindful of any potential conflicts of interest that may arise during the year in view of the Scrutiny Boards' wide-ranging terms of reference. To help overcome this, Scrutiny Boards may wish to focus on the provision available to appoint up to two non-voting co-opted members for a term of office that relates to the duration of a specific scrutiny inquiry.
- 11 The process for appointing co-opted members should be open, effective and carried out in a manner which seeks to strengthen the work of the Scrutiny Board. In doing so, due regard should also be given to any potential equality issues in line with the Council's Equality and Diversity Scheme.

Non-voting co-opted members and health scrutiny

- 12 Historically, Scrutiny Boards responsible for considering health and social care matters have generally operated with standing non-voting co-opted members. Predominantly, such appointments have tended to include those groups / bodies representing the voice of patients / service users.
- 13 Following the formal establishment of Healthwatch Leeds and after a period of consolidation, in 2014/15 the Scrutiny Board appointed a standing non-voting co-opted member representative from Healthwatch Leeds. The overarching aim of this approach being to help provide an opportunity for the views and intelligence gathered from service users and the wider public to be routinely brought to the attention of the Scrutiny Board in an appropriate and timely manner. It also provides an opportunity for work areas/ priorities to be shared and to help avoid any unnecessary duplication.
- 14 The general consensus from Scrutiny Board members and Healthwatch Leeds has been that the arrangements have worked well and there is a positive working relationship between both bodies.
- 15 Healthwatch Leeds would welcome similar arrangements for the current municipal year 2024/25 and have requested that this position be shared by the two Co-Chairs of Healthwatch Leeds (Jane Mischenko and Jonathan Philips) as this approach will help to secure representation at each Board meeting.
- 16 It should be noted this approach would not preclude the appointment of any further co-opted members, within the overall provision provided by the Council's Constitution (described above in paragraph 3).

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 17 The terms of reference of the Scrutiny Boards promote a strategic and outward looking Scrutiny function that focuses on the priorities set out in the Best City Ambition. A decision to co-opt members would be taken with the intention of adding value to the work of the Scrutiny Boards.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 18 The guidance surrounding co-opted members has previously been discussed by Scrutiny Chairs and it was agreed that individual Scrutiny Boards would consider the appointment of co-optees onto their respective boards.

What are the resource implications?

- 19 Where applicable, any incidental expenses paid to co-optees will be met within existing resources.

What are the key risks and how are they being managed?

- 20 When considering the appointment of a standing co-opted member for a term of office, members should be mindful of any potential conflicts of interest that may arise during the course of the year in view of the Scrutiny Boards' wide-ranging terms of reference.

What are the legal implications?

21 Where additional members are co-opted onto a Scrutiny Board, such members must comply with the provisions set out in the Member's Code of Conduct as detailed within the Council's Constitution.

Appendices

- None

Background papers

- None